

Sunset Public Hearing Questions for
Water and Wastewater Operators Board of Certification
Created by Section 68-221-905, *Tennessee Code Annotated*
(Sunset termination June 2011)

1. Provide a brief introduction to the Water and Wastewater Operators Board of Certification, including information about its purpose, statutory duties, staff and administrative attachment.

Purpose:

The General Assembly established the operator certification program and created the Water and Wastewater Operator Certification Board in 1971. As stated in T.C.A. §68-221-902, the Board's purpose is to administer a program of certification for operators of water and wastewater systems that will ensure proper operation of such systems and protect the public and environment.

Duties:

Duties of the Board are specified in TCA 68-221-906:

- (1) Implementation and enforcement of rules necessary for proper program administration;**
- (2) Holding at least one (1) examination annually;**
- (3) Advertising and promoting the program;**
- (4) Encouraging operators to become certified besides those required by law;**
- (5) Distributing applications and notices;**
- (6) Receiving and evaluating applications;**
- (7) Preparing, conducting and grading examinations;**
- (8) Setting up a system of fees and late penalties for applicants;**
- (9) Maintaining all records of the program, and maintaining a register of certified operators;**
- (10) Promoting and scheduling regular training schools and programs;**
- (11) Hearing appeals from orders or ruling issued by the Commissioner; and**
- (12) Recommending to the Commissioner the staff required to effectively administer the program.**

Funding:

Funding for the Water and Wastewater Operator Certification program is provided by program fee revenues, and federal moneys from the Safe Drinking Water Act State Revolving Fund and the Expense Reimbursement Grant.

Staff:

Staff consists of a Certification Program Coordinator, whose time is devoted entirely to the administration of the program, an Administrative Secretary, whose time is devoted entirely to data entry, generation of notices, renewal cards and certificates, and a file clerk/receptionist, whose time is divided between certification activities and Fleming Training Center activities. The Fleming Training

Center, in Murfreesboro, is where most of the training activities for operators conducted by the Board and the Training Center staff occur.

Administrative Attachment:

In accordance with Board Rules, the Commissioner of Environment and Conservation is to certify operators after considering Board recommendations and may revoke certification for cause. Enforcement responsibilities are centered in the Department and carried out by personnel of the Division of Water Pollution Control and the Division of Water Supply.

2. Provide a list of current board members and describe how membership complies with Section 68-221-905(b), *Tennessee Code Annotated*. Are there any vacancies on the board? If so, what steps have been taken to fill the vacancies?

The Board consists of five members appointed by the Governor for terms of three years or until a successor has been appointed. Two members (one holding a certificate of the highest class) shall be currently employed as certified operators, one of whom is to be recommended by the Tennessee Water and Wastewater Association and one of whom is to be recommended by the Tennessee Association of Utility Districts. One member shall be from municipal government and is to be recommended by the Tennessee Municipal League. One member shall be a faculty member of a college, university, or state technical institute whose major field is related to sanitary engineering and is to be recommended by the Tennessee Society of Professional Engineers. The Director of the Division of Water Management or his designated representative shall serve as ex-officio member.

Board Member	Membership Compliance
J. Darryl Green	Chairman; Operator of the highest class representing certified operators; recommended by the Tennessee Water and Wastewater Association.
Randal Braker	Operator representing certified operators; recommended by the Tennessee Association of Utility Districts.
Alan C. Cranford	Representing Municipal Government; recommended by the Tennessee Municipal League.
Dr. Larry W. Moore	Representing University Faculty; recommended by the Tennessee Society of Professional Engineers.
Sherwin Smith	Ex-Officio member; Manager of Quality Assurance and Enforcement for the Division of Water Supply and .representing the Department of Environment and Conservation.

3. Does membership include a member who is 60 years of age or older, a female member, a member of a racial minority? Does membership include a public/citizen member?

The membership does not include a member 60 years or older, a member of a racial minority, or a female member. There is no public/citizen member since the statute does not provide for one.

4. What per diem or travel reimbursement do members receive? How much was paid to board members during fiscal years 2009 and 2010?

Each member, other than the ex officio member and any other members who are employed by the state, is allowed a per diem of fifty dollars per meeting and reimbursement for travel expenses. Per diems and reimbursements paid to members FY 2008-09 totaled \$3,335.49 dollars. Per diems and reimbursements paid to member FY 2009-10 totaled \$3,504.76

5. What were the board's revenues (by source) and expenditures (by object) for fiscal years 2009 and 2010? Are fees and late penalties charged by the board sufficient to support the expenses of the program as mandated at Section 68-221-906(a)(8), *Tennessee Code Annotated*?

The fees the Board had established for the program are authorized by the Environmental Health Act TCA §68-221-906(a)(8) and the Environmental Protection Fund TCA §68-203-101 et. seq. Revenues are generated as a result of exam application fees, certificate renewal fees, and late payment fees.

The total revenue generated by these fees for fiscal year 2008-2009 was \$202,480.00: \$58,150.00 being Application fees and \$144,330.00 in Renewal fees.

The total revenue for fiscal year 2009-2010 was \$215,024 and of that \$37,830 being application fees and \$177,194 in renewal fees.

Expenditures: All expenditures for the board are per diem and travel related.

6. How many times did the board meet in fiscal years 2009 and 2010, and how many members were present at each meeting?

The Board met four regularly scheduled meetings in FY 2008-09 plus one specially called meeting to consider rulemaking and four regularly scheduled meetings and one specially called meeting to consider rulemaking in FY 2009-10.

Date of Board Meeting	No. Members Present
FY 08-09	
July 24, 2008	4
October 2, 2008	5
January 22, 2009	5
April 2, 2009	5
June 29, 2009 (Specially called for rules)	4
FY 09-10	
July 23, 2009	5
September 2, 2009 (Specially called for rules)	5
October 1, 2009	4
January 21, 2010	4
April 8, 2010	5

7. Is the board subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes and public access to minutes? If so, what procedures does the board have for informing the public of its meetings, who keeps the official minutes of board meetings and what steps are taken to make the minutes available to the public?

The Water and Wastewater Operator Certification Board is subject to Sunshine law requirements for public notice of meetings, prompt and full recording of minutes, and public access to minutes. The

Board informs the public of its meetings by posting the notice on the Department of Environment and Conservation website. (<http://tn.gov/environment>) are public record and are available for review through Board staff at the Fleming Training Center. Anyone wanting to read or receive a copy of the minutes from any meeting can do so upon request.

8. Has the board set goals and measured its performance compared to those goals? What performance indicators does management use to measure the effectiveness and efficiency of the board? How well has the board performed based on those performance indicators?

GOAL	Performance Indicators
Continue to fulfill its legislative purpose.	<p>In FY 2008-09 the Board: Processed 876 applications for exams; issued 423 certificates and processed 31 applications for reciprocity issuing 29 certificates; and 125 certificates were not renewed.</p> <p>In FY 2009-10 the Board: Processed 851 applications for exams; issued 449 certificates; and certificates and processed 12 applications for reciprocity and issuing 10 certificates; and 111 certificates were not renewed.</p>
Review the wastewater portion of the exam question databases.	An exam question database exists for water, wastewater, distribution and collection systems. The Board is in the process of reviewing the wastewater treatment databases 2010 for technical accuracy and to update the references.
Amend Rules to comply with the federal operator certification requirements.	Until 1999, there were no federal requirements for operator certification. As a result of the EPA operator certification requirements, the Board's Rules were amended to be consistent. The amended Rules were effective on October 14, 2000.
Amend Rules to increase fees.	To cover program expenditures, exam application, certificate renewal fees were increased and fees were added for cross connection control training and testing. Public Necessity Rules became effective on July 1, 2009 and were made permanent

	rules effective on December 8, 2009.
With the aid of the Division of Information Systems, develop an effective operator computer system capable of tracking the status of each certificate, continuing education, issuing notices, reports, etc.	The new tracking system was implemented in May of 2010.

The Board strives to advertise and promote the program and to encourage more operators to become certified.

9. What reports does the board prepare on its operations, activities and accomplishments and who receives the reports? Please attach copies of all such reports issued during fiscal years 2009 and 2010.

The program does not prepare the type of report described. It does prepare the following which are available if the Committee wants them.

The minutes of Board meetings.

Electronic reports for the deadbeat parent law for Human Services, simply listing all certified operators, are prepared twice annually. This report is required by statute.

Electronic reports for the Division of Water Pollution Control and the Division of Water Supply are prepared twice annually. This report is not required but is developed to support the activities of both divisions.

In addition to these items, there are over 6,000 mailings of certification-related notices (continuing education acquisition, application and examination correspondence, etc.)

Annually in June, the Fleming Training Center Schedule of Classes is posted on the Department of Environment and Conservation's website.

(<http://tennessee.gov/environment/fleming/schedule.shtml>). The listing contains a schedule of all classes offered at the Fleming Training Center, a form to register for the classes, and a notice of exam dates and exam application deadlines.

10. Has the board promulgated rules as authorized at Section 68-221-905(a)(2), Tennessee Code Annotated? If so please cite the reference.

Public Necessity Rules promulgated July 1, 2009

Chapter Number	Chapter Title
1200-05-03	Rules Governing Water and Waste Water Operator Certification
Rule Number	Rule Title
1200-05-03-.01	Application for Certification
1200-05-03-.03	Fees

Permanent rules were adopted and became effective on December 8, 2009.

Chapter Number	Chapter Title
1200-05-03	Rules Governing Water and Waste Water Operator Certification
Rule Number	Rule Title
1200-05-03-.01	Application for Certification

1200-05-03-.03	Fees
1200-05-03-.05	Definitions
1200-05-03-.07	Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators
1200-05-03-.09	Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators

Formatting and typographical changes were made to Rules 1200-5-3-.01, 1200-5-3-.05, 1200-5-3-.07 and 1200-5-3-.09

11. How many applications for certification did the board evaluate during fiscal years 2009 and 2010? Of those, how many were forwarded to the Commissioner of Environment and Conservation for certification?

In FY08-09, the Board processed 876 applications for exams and 31 applications for reciprocity. Of these, 423 applicants passed and were issued certificates by the Commissioner. In fiscal years 2009, the Board processed 31 applications for certification by reciprocity and 29 were issued certificates by the Commissioner.

In FY09-10, the Board processed 851 applications for exams. Of these, 449 applicants passed and were issued certificates by the Commissioner. In fiscal year 2010, the Board processed 12 applications for certification by reciprocity that resulted in 10 certificates being issued by the Commissioner.

12. How many certifications were revoked during fiscal years 2009 and 2010 and what were the reasons for the revocations?

The Board has revoked four drinking water certificates belonging to two operators in the past two years for submission of false data and reports. The Board does not initiate the revocation actions; the Divisions of Water Pollution Control and Water Supply of the Department of Environment and Conservation do that. When the Department issues an Order, the operator may appeal it to the Board. If there is no appeal, the Order becomes final.

Revocation of operator certificates is one of the enforcement mechanisms provided in statute; it is used only when it is the view of the Department and the Board that the operator was clearly disregarding his/her responsibility. The Divisions of Water Supply and Water Pollution Control have elected to pursue a civil penalty enforcement action to address violations incurred by public systems without the services of a certified operator and certified operators who have committed less serious violations.

Certificate Revocation of Water Treatment Plant or Distribution System Operators by the Board in FY08-09 and FY09-10.

Name	Certificate	Reason
Ronnie Weaver	Grade IV Water Treatment	Failure to use reasonable judgment in the operation of systems and submitting false information to the Division of Water Supply.
Ronnie Weaver	Grade II Distribution	Failure to use reasonable judgment in the operation of

		systems and submitting false information to the Division of Water Supply.
Brent Scott	Grade III Water Treatment	Failure to use reasonable judgment in the operation of systems and submitting false information to the Division of Water Supply.
Brent Scott	Grade I Distribution	Failure to use reasonable judgment in the operation of systems and submitting false information to the Division of Water Supply.

13. What types of training schools and programs does the board promote and schedule under provisions of Section 68-221-906(a)(10), *Tennessee Code Annotated*? Does the board or the Department of Environment and Conservation conduct training schools and programs or is the training conducted by outside parties? If conducted by parties outside the department, how is the board assured of the quality of the training? Is there a certification standard for training programs?

The Department of Environment and Conservation conducts training activities at the Fleming Training Center in Murfreesboro and in other locations across the state. Attachment A is a schedule of classes by topic for the 2009-2010 training year.

Other parties conduct training activities but not at the direction of the Board.

Regardless of what party conducts the training, before training can be used for continuing education credit (to renew a certificate) or operating experience credit (to qualify to sit for an exam), it must be reviewed and approved by the Board. Each activity is evaluated for content, qualifications of instructor, and length of time of activity before approval is granted. The Board has adopted formal policies to be used in the approval of training activities. Attachment B is the Board's policy for approval of continuing education activities and Attachment C is the policy for approving comprehensive training activities that eligible for operating experience.

14. Section 68-221-907, *Tennessee Code Annotated*, directs the board to classify all water treatment plants, wastewater treatment plants, water distribution systems and wastewater collection systems "according to the skill, knowledge and experience that the operator must have to supervise successfully the operations of the plant or system." Describe the different classifications and the number of facilities in each classification. Are there sufficient certified operators in the state to properly and safely supervise the facilities currently operating? Are any facilities being operated by uncertified operators or operators with incorrect or incomplete certification? If so, how many?

Water plants and distribution systems, and wastewater plants and collection systems are rated according to their size and complexity. The following is a listing, in descending order of size and complexity, of water treatment plants, distribution systems, wastewater treatment plants and collection systems. Sufficient numbers of operators exist to adequately supply the demand; however, the location of the available operators may not match the location of the demand

Classification	Number In TN	Number of plants or systems without adequately certified operators
Water Treatment Plants		
Grade 4 Water Plants	79	0
Grade 3 Water Plants	124	0
Grade 2 Water Plants	93	0
Grade 1 Water Plants	55	0
Small Water Systems	330	1
Distribution Systems		
Grade 2 Distribution Systems	96	0
Grade 1 Distribution Systems	355	1
Wastewater Treatment Plants		
Grade 4 Wastewater Plants	64	0
Grade 3 Wastewater Plants	81	0
Grade 2 Wastewater Plants	6	0
Grade 1 Wastewater Plants	202	0
Biological/Natural Systems	323	0
Collection Systems		
Grade 2 Collection Systems	21	0
Grade 1 Collection Systems	461	0

15. Are any facilities operating without an operator under the provisions of Section 68-221-912, *Tennessee Code Annotated*? Have any, now or within the last five years, gone beyond the one year provided for in the statute?

There is one small water system and one distribution system currently without a certified operator. No water treatment and distribution systems have gone beyond the one-year provided in statute. No wastewater treatment and collection systems have gone beyond the one year provided in statute.

16. Section 68-221-906(a)(11), *Tennessee Code Annotated*, provides that the board will “hear appeals from any order or ruling issued by the commissioner, and affirm, modify or revoke such order or ruling....” How many, if any, such cases have been appealed to the board during each of the last five fiscal years? How many were heard? In how many was the commissioner’s action upheld? Modified? Reversed? How many appeals are currently pending?

OPERATOR NAME	BOARD DATE	TYPE APPEAL	RESULT
Mark Bamberg WEH05-002	January 25, 2006	Agreed Order	Order Upheld by the Board
Eric Angel WEH05-001	N/A	Commissioner's Order	Appealed but later was withdrawn. Paid in full.
Tom Kinnie WEH05-005	July 21, 2006	Commissioner's Order	Revocation Appealed. Order upheld by Board.
Ronnie Weaver WEH05-005	April 5, 2007	Agreed Order	Order and revocation upheld by the Board
Clifton Boles WEH07-001	April 3, 2008	Agreed Order	Order upheld by the Board
William Marcum WEH-07-002	April 3, 2008	Agreed Order	Order upheld by the Board.
Aaron Janson WEH07-003	January 22, 2009	Agreed Order	Order upheld by the Board
Brent Scott WEH07-009	January 22, 2009	Agreed Order	Order upheld by the Board
Houston Howell WEH09-001	January 21, 2010	Agreed Order	Order upheld by the Board
Brad Hutchinson WEH10-002	No date set	Under Appeal Commissioner's Order	Negotiations on going for settlement. Execution of an Agreed Order likely.

There is one appeal currently pending.

17. Section 68-221-915, *Tennessee Code Annotated*, provides that a person may file with the commissioner a complaint against any person allegedly violating any provisions of the "Water Environmental Health Act." The act further provides that if the complainant or the alleged violator disagree with the commissioner's response to the complaint, or if the commissioner fails to act, the complaint may be appealed to the board for a disputed case hearing. How many, if any, of the appeals listed in your response to question 16 above, grew from complaints filed under this provision of the code? How many were heard? In how many was the commissioner's action upheld? Modified? Reversed? How many appeals are currently pending?

No complaints were received. None of the hearings listed in item 16 were this type of case.

18. Describe any items related to the board that require legislative attention and your proposed legislative changes.

No legislative changes are recommended.

19. Should the board be continued? To what extent and in what ways would the absence of the board endanger the public health, safety or welfare?

The Water and Wastewater Operator Certification Board should be continued.

The product of the certification board's efforts, are the 3,933 certified operators, serving the citizens and visitors of Tennessee, protecting the public health and the quality of the environment thru the correct operation of water and wastewater systems. The 5,813 certificates held by the 3,933 operators illustrate that the industry sees value in certification. Certification is required only for that

operator in charge of the treatment plant, but seeing the benefits of trained and certified employees, many cities and utilities have encouraged many of their employees to become certified. The 2,300 persons trained each year at the Fleming Training Center assure that operators and potential operators are prepared for the challenges of their career.

On February 5, 1999, Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems, 64, Fed. Reg. 5916 (1999) was issued by the United States Environmental Protection Agency. The guidelines specify the minimum standards for the certification and recertification of operators of community and nontransient noncommunity public water systems. EPA requires compliance with federal operator certification guidelines in order for the Department of Environment and Conservation to avoid a twenty percent reduction in federal funds it is entitled to receive in the Drinking Water State Revolving Fund (DWSRF) capitalization grants under section 1452 of the Safe Drinking Water Act. A twenty percent reduction in DWSRF funds beginning in 1999 would have amounted to \$9,332,560 that Tennessee water systems would not have had available for needed construction projects.

The Tennessee Operator Certification program received USEPA approval on January 30, 2001. USEPA requires annual program submittals for verification ongoing program implementation and compliance with federal guidelines. Annual program submittals of the Tennessee Certification program were approved by USEPA, June 2002, June 2, 2003 and May 24, 2004. June 2005, June 2006, May 2007, June 2008, May 2009 and 2010 approval pending.

20. Please list all board programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

Although the Water and Waste Water Operator Certification Board does not receive federal financial assistance, we have provided the following answers for the Department of Environment and Conservation.

If the board does receive federal assistance, please answer questions 21 through 28. If the board does not receive federal assistance, proceed directly to question 27.

21. Does your board prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

The TDEC has a Title VI Plan that's developed for and applicable to all TDEC programs.

22. Does your board have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

The TDEC has a Title VI Coordinator and Complaint Officer.

Coordinator: Costin Shamble (615-253-8337) - Facilitate Title VI compliance activities; review data and make recommendations of actions to enhance Title VI compliance; conduct Title VI training programs; compile Department's Title VI Implementation Plan; represent the TDEC at meetings on Title VI.

Complaint Officer: M. C. Holland (615-532-0153) - Receives Title VI complaints; conducts an investigation of complaints; facilitates a remedy of Title VI concerns; makes recommendation(s) of actions needed to resolve complaint.

23. To which state or federal agency (if any) does your board report concerning Title VI? Please describe the information your board submits to the state or federal government and/or provide a copy of the most recent report submitted.

The TDEC is required to submit an annual Title VI Implementation Plan to the State Comptroller of the Treasury. Additionally, the Plan is submitted to and reviewed by the Title VI Legislative Sub-Committee of the State Legislature. A public hearing is conducted annually on the Plan. Disadvantaged business participation is submitted to the Environmental Protection Agency.

24. Describe your board's actions to ensure that board staff and clients/program participants understand the requirements of Title VI.

Internally:

- **Mandatory Civil Rights training of TDEC staff included Title VI**
- **TDEC Title VI brochure distributed to Department staff**
- **Periodic discussions with staff, Title VI related actions/activities**
- **Staff participation in training programs offered by state and federal agencies**

Externally:

- **Participation in Community Title VI workshops and conferences**
- **Contract language includes Title VI compliance**
- **Posting of Civil Rights posters**
- **Distribution of Title VI brochure**

25. Describe your board's actions to ensure it is meeting Title VI requirements. Specifically, describe any board monitoring or tracking activities related to Title VI, and how frequently these activities occur.

Minority participation in TDEC programs and activities is reviewed by the Title VI Coordinator. Activities reviewed include: representation on boards, disadvantaged business participation, and public participation. Meetings with the Commissioner's staff are held to discuss minority participation issues at least quarterly. Disadvantaged business participation is submitted quarterly to the Environmental Protection Agency. A compilation of the TDEC's minority outreach and participation is reviewed routinely and compiled annually.

26. Please describe the board's procedures for handling Title VI complaints. Has your board received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).

The TDEC did not receive a Title VI Complaint during fiscal year 2008-2009.

Complaint procedure:

Complaints must be filed in writing. The complaint should be filed on the TDEC's complaint form. The division director of the program will forward the complaint to the Title VI Complaint Officer. TDEC will make a prompt investigation when a complaint or other information indicating a violation is received. If the investigation indicates a violation of Title VI, TDEC will notify the recipient and will attempt to resolve the matter informally. If the investigation indicates that a violation did not occur, TDEC will notify the recipient and the complainant in writing.

The Title VI Complaint Officer will submit findings and conclusions to TDEC Civil Rights Champions. The Assistant Commissioner will issue a decision on the investigation findings and conclusions. Decisions made by the Assistant Commissioner can be appealed to the Commissioner within 30 days of receipt of the decision.

A complaint may be filed with the appropriate Federal agency no later than 180 calendar days after the alleged discrimination occurred.

Citizen suits remain an option in this process.

TDEC's toll free hotline (1-888-891-8332), accessible statewide, is maintained and available for complaints.

27. Please provide a breakdown of current board staff by title, ethnicity, and gender.

Board Staff	Ethnicity	Gender
Sherry Messick, Certification Program Coordinator	Caucasian	Female
MaryJo Reeder, Administrative Secretary	Caucasian	Female
Cathy Spencer, Clerk	Caucasian	Female

28. Please list all board contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

The Board does not have any contracts.



Fleming Training Center

Attachment A

2009-2010 Schedule of Classes



2022 Blanton Drive - Murfreesboro, TN 37129
Phone: (615) 898-8090 - Fax: (615) 898-8064
www.tn.gov/environment/fleming/

Topical Schedule of Classes and Seminars

Collection Systems Classes

1203 Grade 1 and 2 Collection Systems

Duration: 4 $\frac{1}{2}$ days

Fee: \$275.00

Murfreesboro: August 3 - 7, 2009

January 11 - 15, 2010

August 2 - 6, 2010

Cross Connection Control Classes

2103 Cross Connection Control Basic Workshop

Duration: 3 $\frac{1}{2}$ days

Class Fee: \$275.00; Full time employees of public water systems are exempt

Testing Fee: \$60.00 (no exemptions)

Alcoa:

October 5 - 8, 2010

Jackson:

April 6 - 9, 2010

October 26 - 29, 2010

Kingsport:

August 18 - 21, 2009

May 25 - 28, 2010

September 14 - 17, 2010

Knoxville:

September 22 - 25, 2009

April 20 - 23, 2010

Maryville:

June 8 - 11, 2010

Murfreesboro:

July 14 - 17, 2009

October 20 - 23, 2009

November 17 - 20, 2009

January 5 - 8, 2010

March 2 - 5, 2010

May 11 - 14, 2010

June 22 - 25, 2010

July 13 - 16, 2010

August 10 - 13, 2010

November 16 - 19, 2010

3102 Cross Connection Control Renewal Workshop

Duration: 1 $\frac{1}{2}$ day

Class Fee: \$110.00; Full time employees of public water systems are exempt

Testing Fee: \$60.00 (no exemptions)

Alcoa:

October 4 - 5, 2010

Jackson:

October 7 - 8, 2009

April 5 - 6, 2010

October 25 - 26, 2010

Kingsport:

August 17 - 18, 2009
May 24 - 25, 2010
September 13 - 14,
2010

Knoxville:
September 21 - 22,
2009
April 19 - 20, 2010

Maryville:
June 7 - 8, 2010

Murfreesboro:
July 13 - 14, 2009
October 19 - 20, 2009
November 16 - 17,
2009
January 4 - 5, 2010
March 1 - 2, 2010
May 10 - 11, 2010
June 21 - 22, 2010
July 12 - 13, 2010
August 9 - 10, 2010
November 15 - 16,
2010

Topical Schedule of Classes and Seminars Continued

Distribution Systems Classes

1103 Grade 1 and 2 Distribution Systems

Duration: 4½ days

Fee: \$275.00

Murfreesboro: July 27 - 31, 2009

February 1 - 5, 2010

July 26 - 30, 2010

Laboratory Classes

1002 Basic Water and Wastewater Laboratory Workshop

Duration: 4½ days

Fee: \$275.00

Murfreesboro: November 30 - December 4, 2009

May 10 - 14, 2010

November 15 - 19, 2010

2202 Intermediate Wastewater Treatment Laboratory Workshop

Duration: 10 days

Fee: \$550.00

- *No prerequisite is required. For those who lack laboratory experience course #1002 Basic Lab is recommended. Course #1001 Basic Math is recommended if the student has difficulty with math.*

Murfreesboro: July 6 - 10 & 20 - 24, 2009

June 14 - 18 & June 28 - July 2, 2010

2102 Intermediate Water Treatment Laboratory Workshop

Duration: 10 days

Fee: \$550.00

- *No prerequisite is required. For those who lack laboratory experience course #1002 Basic Lab is recommended. Course #1001 Basic Math is recommended if the student has difficulty with math.*

Murfreesboro: December 14 - 18, 2009 & January 4 - 8, 2010

May 24 - 28 & June 7 - 11, 2010

November 29 - December 3 & December 13 - 17,

2010

To reach your local ENVIRONMENTAL FIELD OFFICE
Call 1-888-891-8332 OR 1-888-891-TDEC (8332)



Topical Schedule of Classes and Seminars Continued

Math Classes

1001 Basic Math for Water and Wastewater Operators

Duration: 4½ days

Fee: \$275.00

Murfreesboro: November 16 - 20, 2009
March 22 - 26, 2010
September 27 - October 1, 2010

1202 Applied Math for Collection System Operators

Duration: 3½ days

Fee: \$225.00

Murfreesboro: October 5 - 8, 2009
April 5 - 8, 2010
October 4 - 7, 2010

1102 Applied Math for Distribution System Operators

Duration: 4½ days

Fee: \$275.00

Murfreesboro: October 12 - 16, 2009
April 12 - 16, 2010
October 11 - 15, 2010

1201 Applied Math for Wastewater Treatment Operators

Duration: 5 days

Fee: \$275.00

Murfreesboro: October 19 - 23, 2009
April 19 - 23, 2010
October 18 - 22, 2010

1104 Applied Math for Water Treatment 1 and 2 Operators

Duration: 3 days

Fee: \$225.00

Murfreesboro: October 26 - 28, 2009
April 26 - 28, 2010
October 25 - 27, 2010

1101 Applied Math for Water Treatment 3 and 4 Operators

Duration: 5 days

Fee: \$275.00

Murfreesboro: October 26 - 30, 2009
April 26 - 30, 2010
October 25 - 29, 2010

Topical Schedule of Classes and Seminars Continued

Wastewater Treatment Classes

1204 Biological / Natural Systems

Duration: 4½ days

Fee: \$275.00

Murfreesboro: September 14 - 18, 2009

March 8 - 12, 2010

September 20 - 24, 2010

2201 Introduction to Wastewater Treatment

Duration: 10 days

Fee: \$550.00

Murfreesboro: August 17 - 21 & 31 - September 4, 2009

January 25 - 29 & February 8 - 12, 2010

August 9 - 13 & 23 - 27, 2010

3201 Advanced Wastewater Treatment

Duration: 5 days

Fee: \$275.00

Murfreesboro: September 21 - 25, 2009

February 22 - 26, 2010

September 13 - 17, 2010

3202 Activated Sludge Workshop

Duration: 3 days

Fee: \$225.00

Murfreesboro: June 2 - 4, 2010

General Information

Registration is required a minimum of thirty days in advance of the class. Class sizes are limited, and availability is on a "first-come, first-available" basis. Confirmation letters for all classes/seminars will be sent out to registrants approximately three weeks prior to class and will contain pertinent details regarding exact location, class content, and materials. If you have any questions regarding the classes, please contact one of the following at the numbers listed:

- For information on class content for all water treatment, wastewater treatment, distribution system, collection system, cross connection control, laboratory, or math classes and technical assistance in any water, small water or wastewater area:

Randal H. Jones, Training Supervisor

Shannon E. Pratt, Instructor

Jessica Rader, Instructor

John Newberry, Instructor

E-mail: Randal.H.Jones@tn.gov

E-mail: Shannon.Pratt@tn.gov

E-mail: Jessica.Rader@tn.gov

E-mail: John.Newberry@tn.gov

Phone: (615) 898-6509

Phone: (615) 898-6506

Phone: (615) 898-6507

Phone : (615) 898-6508

- For general information on class registration, requests for course schedules or registration forms, and cross connection control certification:
Jamie L. Kirkham, Training Secretary E-mail: Jamie.Kirkham@tn.gov Phone: (615) 898-6501
- For information on operator certification, applications for exam, approvals for continuing education, etc.:
Sherry M. Messick, Certification, Program Coordinator E-mail: Sherry.Messick@tn.gov Phone: (615) 898-6503

Topical Schedule of Classes and Seminars Continued

Water Treatment Classes

2101 Grade 1 and 2 Water Treatment

Duration: 5 days
Fee: \$275.00

Murfreesboro: August 10 - 14, 2009
February 22 - 26, 2010
August 16 - 20, 2010

3101 Grade 3 and 4 Water Treatment

Duration: 10 days
Fee: \$550.00

Murfreesboro: August 10 - 14 & 24 - 28, 2009
February 22 - 26 & March 8 - 12, 2010
August 16 - 20 & August 30 - September 3, 2010

3103 Coagulation/Flocculation Workshop

Duration: 3 days
Fee: \$225.00

Murfreesboro: September 9 - 11, 2009
March 30 - April 1, 2010
September 8 - 10, 2010

3110 Advanced Water Treatment

Duration: 5 days
Fee: \$275.00

Murfreesboro: September 28 - October 2, 2009
April 5 - 9, 2010
October 4 - 8, 2010

FTC Class Catalog Now Available

Need a thorough description of a class, including a list of topics? Want to know if a class is approved for continuing education or operator experience credit? Check out our new Class Catalog at our website: www.tn.gov/environment/fleming/ Printed versions also available upon request. Contact FTC at (615) 898-6500.



The Tennessee Department of Environment and Conservation is committed to principles of equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator at 1-888-867-7455 or the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Continuing Education Seminars

Fee: \$125.00 per day of seminar

These seminars are designed to provide opportunities for certified operators to meet the continuing education provision of Tennessee's Rules governing operator certification. Each C.E. Seminar is approved for 6 hours continuing education for all grades. If operators need to complete 12 hours continuing education for their class and grade certificate(s) and wish to fulfill all these hourly requirements by attending only FTC 6-hour courses, they must attend one (1) "Day One" activity and one (1) "Day Two" activity. Exact locations will be mailed to attendees with confirmation letters. Registration is required at least thirty (30) days prior to the seminar. Enrollment may be limited by the size of the facility and is on a first-come, first-available basis.

Collection Systems Seminars

Chattanooga

September 30, 2009

March 25, 2010

September 23, 2010

Elizabethton

July 30, 2009

August 19, 2010

Jackson

April 15, 2010

Knoxville

May 20, 2010

Memphis

May 13, 2010

Murfreesboro

September 11, 2009

February 17, 2010

September 10, 2010

Wastewater Treatment & Biological/Natural Systems Seminars

Chattanooga

September 29, 2009 - Day Two

March 24, 2010 - Day One

September 22, 2010 - Day Two

Elizabethton

July 28, 2009 - Day One

July 29, 2009 - Day Two

August 17, 2010 - Day One

August 18, 2010 - Day Two

Jackson

April 13, 2010 - Day One

April 14, 2010 - Day Two

Knoxville

May 18, 2010 - Day One

May 19, 2010 - Day Two

Memphis

May 11, 2010 - Day One

May 12, 2010 - Day Two

Murfreesboro

September 9, 2009 - Day One

September 10, 2009 - Day Two

February 16, 2010 - Day One

September 8, 2010 - Day One

September 9, 2010 - Day Two

Distribution Systems Seminars

Chattanooga

July 1, 2009

June 30, 2010

Jackson

April 29, 2010

Elizabethton

August 7, 2009

July 15, 2010

Knoxville

August 21, 2009
June 17, 2010

Memphis

June 3, 2010

Murfreesboro

September 18, 2009
February 19, 2010
September 30, 2010

Water Treatment Seminars

Chattanooga

June 29, 2010 - Day One

Elizabethton

August 4, 2009 - SWS ONLY
August 5, 2009 - Day One
August 6, 2009 - Day Two
July 12, 2010 - SWS ONLY
July 13, 2010 - Day One
July 14, 2010 - Day Two

Knoxville

August 18, 2009 - SWS ONLY
August 19, 2009 - Day One
August 20, 2009 - Day Two
June 14, 2010 - SWS ONLY
June 15, 2010 - Day One
June 16, 2010 - Day Two

Jackson

April 26, 2010 - SWS ONLY
April 27, 2010 - Day One
April 28, 2010 - Day Two

Memphis

June 2, 2010 - Day One

Murfreesboro

September 15, 2009 - SWS ONLY
September 16, 2009 - Day One
September 17, 2009 - Day Two
February 18, 2010 - Day One
September 27, 2010 - SWS ONLY
September 28, 2010 - Day One
September 29, 2010 - Day Two

APPLICATION DEADLINES

September 5, 2009
March 6, 2010
September 4, 2010

EXAM DATES

November 5, 2009
May 6, 2010
November 4, 2010



DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Training Class / Seminar Registration

REGISTRATION REQUIRED

Only One Person and One Class/Seminar Per Registration Form!

Register early! Written registration is required for all classes and seminars. Registrants will be mailed specific information as to location, times, etc., approximately three (3) weeks prior to class. Complete the form below and mail or fax at least thirty (30) days prior to class to:

If your primary language is not English and you need language assistance, please contact us at (615)898-8090.

Fleming Training Center - 2022 Blanton Drive - Murfreesboro, TN 37129

Fax: (615) 898-8064 (All faxes should be printed or type written.)

COURSE NUMBER (Mr./Ms)	TITLE OF COURSE	DATES OF COURSE	
NAME	SOCIAL SECURITY NUMBER*		
E-MAIL ADDRESS		HOME PHONE	
MAILING ADDRESS: STREET OR PO BOX		CITY	STATE ZIP
EMPLOYER		WORK PHONE	
PWSID # OF FACILITY WHERE EMPLOYED (if applicable)		NPDES # OF FACILITY WHERE EMPLOYED (if applicable)	
EMPLOYER ADDRESS: STREET		CITY	STATE ZIP

*In order to complete our administrative activities, we have to ask for certain personal identifying information. It is required that you submit this information under state and federal law, T.C.A. §36-5-711 and 42 USC §654a. This information is for the use of the department and is not disclosed to the public. Your social security number is required for registering or enrolling in classes when the registrant is a certified operator. It is optional whether you comply with any other request we make for a social security number.

CN-0863 (Rev. 5/2002)

RDA 2390

Attachment B

POLICY OF CONTINUING EDUCATION

Statement of Rule

1200—5—3—.10 Continuing Education.

At least once during every continuing education period each certified operator shall satisfactorily complete the required number of continuing education hours approved by the Board for the particular type of certificate he/she holds. The continuing education period for a certified operator shall begin either with the date the certified operator obtained his/her certificate or the date the certified operator last satisfactorily completed the required number of continuing education hours and shall end at the conclusion of the annual continuing education term three calendar years thereafter. An annual continuing education term shall begin each year on October 1 and shall end on September 30 of the following year. The failure of an operator to satisfactorily complete the required number of continuing education hours approved by the Board Secretary during his/her continuing education period shall be grounds for the denial of his/her application for the renewal of his/her certificate. An operator shall notify the Board Secretary upon his/her satisfactory completion of the continuing education requirement by furnishing appropriate documentation of course completion. Notification by the operator is not necessary in those cases where an agency notifies the Board Secretary of such activity. An operator that fails to satisfactorily complete the required number of continuing education hours during his/her continuing education period due to an unusual event such as an incapacitating illness or similar unavoidable circumstances may make a written request to the Board for an extension of time to do so. All requests by an operator for an extension of time to meet the continuing education requirement must be made in writing to the Board either within two months of the elapsed continuing education period or by the date of return of the operator to active employment, whichever is later. All such requests must be accompanied by complete supporting documentation of the circumstances causing the failure to meet the continuing education requirement.

POLICY

Purpose

The Rules Governing Water and Wastewater Operator Certification require completion of continuing education requirements as a prerequisite for renewal of certificates issued by the Board. The purposes of this policy are to prescribe the basic continuing education requirements for present and future certificate holders; and to establish standards by which continuing education programs will be evaluated.

Basic Requirements

At least once during every three-year continuing education period, a certified operator possessing a Grade III or Grade IV certificate shall satisfactorily complete twelve (12) contact hours of continuing education for each certificate he/she holds. Certified operators possessing a Grade I, Grade II, a Small Water System, or a Biological/Natural System certificate shall satisfactorily complete 6 (six) contact hours of continuing education for each certificate he/she holds during every three year continuing education period. The continuing education must be relevant to the classification in which the operator is certified. It must include information that is relevant to the Need -To-Know. Credit for program attendance will be awarded on the first attendance only, unless the program has been substantially revised. Credit hours in activities that are generic (approved for any

certificate) will be attributed only to one certificate. Credit toward a certificate can only be given after the Board, or its designated agent, has approved the program. Activities must be completed in their entirety in order for the certified operator to receive credit.

Qualifying Activities

- A. To request approval, an **Application for Approval of Continuing Education Activity** must be completed and submitted sixty (60) days prior to the activity, including:
1. A Need-To-Know checklist for the classification for which approval is sought.
 2. A schedule outlining the activity parts and the time attributed to each, and
 3. an instructor or lecturer biographical sketch illustrating that he/she possesses background, training, education and experience in the subject.
- B. To qualify for approval:
1. The activity must be structured, with an instructor and detailed outline.
 2. The activity must contribute directly to the competence of the certified operator.
 3. The activity must be relevant to the Need-To-Know for the classification for which approval is sought. To be relevant the activity must address one or more of the following areas as it relates to the Need-To-Know subjects; process, operation, maintenance, general or basic knowledge, procedures, data interpretation, public health, math, science, safety, or any applicable state or federal rules.
 4. The activity must be a minimum of 60 minutes in length.
 5. The provider must agree to record and submit attendance rosters of certified operators, including certificate numbers, and (for operators holding more than one certificate) identification of the certificate to apply credit to.
 6. The provider must develop and communicate to Board staff, a method of identifying certified operator attendance at the entire activity, beginning to end.
 7. The provider must agree to allow representatives of the Board to monitor the activity without cost or notice.
 8. The certified operator may request continuing education approval for activities where the provider does not seek approval. The certified operator must comply with all applicable requirements of this policy.
- C. Subject to compliance with paragraphs A and B, the following are qualifying programs.
1. Professional development programs of industry related organizations.
 2. Technical sessions provided by industry related organizations.
 3. University or college courses.
 4. Organized in-firm or in-house educational programs presented for employees and others, and
 5. Others recognized by the Board.
- D. Correspondence or other individual study programs, including those administered via computer, which require registration and provide evidence of satisfactory completion may qualify for continuing education credit in an amount to be determined by the Board.

Instructor Allowance

Continuing education will be allowed for service as an instructor or speaker at any program for which participants are eligible to receive continuing education credit. Credit for such service will be awarded on the first presentation only, unless the program has been substantially revised.

Provider Responsibility

It is the responsibility of the Provider to ensure that the subject matter of each continuing education activity is provided as described in the submittal.

The provider shall send a complete and signed roster of all students who successfully complete the activity. It is the provider's responsibility to confirm that all persons identified on the roster attended the complete activity,

beginning to end. The signature of the provider on the roster will attest to successful completion and full attendance of the certified operator.

Board and Staff Responsibility

- A. The technical secretary shall report to the Board any approved or disapproved activities at the meeting following the approval or disapproval.
- B. Any entity requesting approval of a continuing education activity shall be informed in writing of the technical secretary's decision. Any conditions of approval or reasons for disapproval will be provided in the response. Providers of training activities disapproved by the technical secretary shall be informed that the technical secretary's decision may be appealed to the Board.
- C. The technical secretary shall maintain a current listing of all approved continuing education activities.

Policy adopted by the Board October 4, 2001.

POLICY
BOARD SANCTIONED COMPREHENSIVE TRAINING

Board sanctioned comprehensive training is defined as a specialized training activity that provides a reasonable understanding relative to the Board-Need-To- Know-Criteria, understanding of the essential processes, procedures and facts that are necessary to plant or system operations.

1. Board approved specialized training:

The Board shall evaluate and when deemed appropriate approve training activities for the purpose of satisfying operating experience requirements. The activity must be approved by the Board 30 days in advance. The following information must be provided by the facilitator prior to Board approval:

- a. Training objectives
- b. Training outline
- c. Training material, textbooks, etc.
- d. Instructor credentials
- e. Student evaluation methods (*post test score*)
- f. Successful completion of the training activity will be defined and documented by the training facilitator.
- g. Training activities must provide 3 days (minimum 1080 minutes) of contact time to be considered for substitution as operating experience.
- h. Activities approved as a 1 day intensive training, one – two subject(s) for each day, 360 minutes) must be grouped as a minimum of 3 one day activities to receive operating experience credit. The 3 days are not required to be consecutive days. Upon the completion of 3 days, one-day increments may be added for each approved intensive training activity completed for Grade IV certifications.

2. Approved academic study satisfactorily completed at an accredited college or university may be approved for each two semester hours, or three quarter hours equal to one month of the operating experience required as a qualification of a certified water/wastewater treatment plant operator to a maximum equivalency of three months. College transcripts, if needed to document experience credit, must be submitted directly from the college and/ or university to the Board.

Credit will not be given prior to successful completion of any Board sanctioned comprehensive training. Credit will only be granted to an applicant upon verification that he/she satisfactorily completed all training or program requirements. When training credit is requested, a copy of a training attendance card, a class roster, or a certificate of completion must be submitted to the Board. The completion date of a multi-day training is the last day of the training.

The Technical Secretary of the Board for Certification of the Water and Wastewater Operators is authorized to approve comprehensive training activities for operating experience as required by the Rules Governing Operator Certification in accordance with the preceding guidelines.

This policy has been approved and accepted by the Board on August 9, 2007 and becomes effective at the October 4, 2007 meeting.

Statement of Rule:

Water Treatment and Wastewater Treatment

Rule 1200-5-3-.07 (1)(a)(2) states in part: Water Treatment IV

Within the discretion of the Board, college training work in related science or engineering trainings satisfactorily completed or Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for operators, correspondence trainings, or other special training may be credited toward the required operating experience to a maximum equivalency of thirty-six months.

Rule 1200-5-3-.09(1)(a)(2) states in part: Wastewater Treatment IV

Within the discretion of the Board, college training work in related science or engineering trainings satisfactorily completed, or Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence trainings, or other special training may be credited toward the required operating experience to a maximum equivalency of thirty-six months.

Rule 1200-5-3-.07(1)(b)(1), (1)(c)(1), (1)(d)(1)

Rule 1200-5-3-.09(1)(b)(1), (1)(c)(1), (1)(d)(1), (1)(e)(1) state in part:

Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for operators, correspondence trainings, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three months.

Rule 1200-5-3-.07(3):

- (a) For subparagraph part (1)(a)2 of this rule, the Board may approve for each two semester hours, or three quarter hours, of academic study satisfactorily completed at an accredited college or university in related science or engineering trainings as equal to one month of the operating experience required as a qualification of a certified water treatment plant operator.
- (b) For subparagraph parts (1)(a)2, (1)(b)(1), (1)(c)(1), (1)(d)(1), and (1)(f)(1) of this rule, each day of Board sanctioned comprehensive training, satisfactorily completed, through schools for operators, correspondence trainings, or other special training programs may be equal to one month of the operating experience required as a qualification of a certified water treatment plant operator.

Rule 1200-5-3-.09(3)

- (a) For subparagraph part (1)(a)2 of this rule, the Board may approve for each two semester hours, or three quarter hours, of academic study satisfactorily completed at an accredited college or university in related science or engineering trainings equal to one month of the operating experience required as a qualification of a certified wastewater treatment plant operator.
- (b) For subparagraph parts (1)(a)2, (1)(b)(1), (1)(c)(1), (1)(d)(1), (1)(e)(1), and (1)(f)(1) of this rule, each day of Board sanctioned comprehensive training satisfactorily completed through schools for operators, correspondence trainings, or other special training programs may be equal to one month of the operating experience required as a qualification of a certified wastewater treatment plant operator.

The following steps should be taken to file a Title VI complaint:

- ◆ It should be written and include your name, address and telephone number. **Your complaint must be signed and filed within 180 calendar days of the alleged discriminatory act.** If you are filing on behalf of another person, include your name, address, telephone number and your relation to that person (for example: friend, attorney, parent, etc.).
- ◆ The name and address of the agency, institution or department you believe discriminated against you.
- ◆ How, why and when you believe you were discriminated against. As much background information as possible should be included about the alleged acts of discrimination. Include names of individuals who you allege discriminated against you, if you know them, as well as any other relevant information.
- ◆ The names of any persons, if known, that the investigating agency could contact for additional information to support or clarify your allegations.

Once a complaint is filed, it will be forwarded to the appropriate agency for review. If the complaint is filed by an internal party, the department does not have jurisdiction to hear such a complaint. Therefore, the department will forward internal complaints to the appropriate agency having jurisdiction to review the complaint.

If the complaint is filed by an external party, it will be reviewed for validity by the department's Title VI Complaint Officer, MC Holland. If the complaint is valid, Mr. Holland will investigate the issues brought forth in the complaint and attempt to resolve the complaint. If negotiations to correct a violation are unsuccessful, enforcement proceedings may be initiated.

The department's Title VI Coordinator **Costin Shamble** provides general information, training and monitoring of the department's compliance regarding Title VI.

For more information, please contact Title VI Complaint Officer **MC Holland** at (615) 532-0153 or Title VI Coordinator **Costin Shamble** at (615) 253-8337.